

ZB# 77-27

Diplomat Motor Lodge

4-1-12.12

Diplomat Motor Lodge - Sign Variance

77-27

(2)

Public Sept. 26, 1977

Hearing: 8 p.m.

9/14/77 - Orange County Planning Dept.
Noted - ~~to~~ 9/21/77. pl.

Handed 9/26/77.

GENERAL RECEIPT

3424

Town of New Windsor, N. Y.

Sept 29, 1977

Received of Diplomat Motor Lodge, Inc. \$ 50.00
Fifty and 00/100 Dollars

For (variance application) 77-27

DISTRIBUTION:

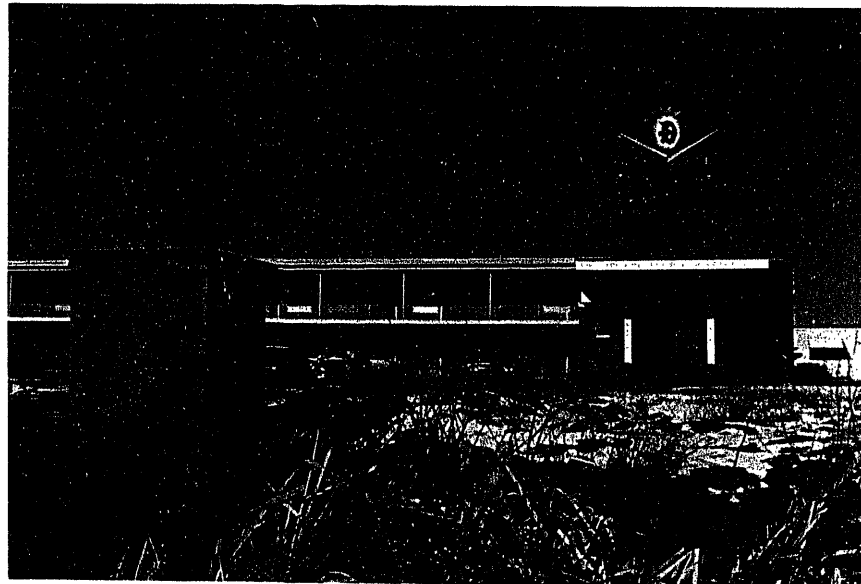
FUND	CODE	AMOUNT
50.00		
check		

BY Charlotte Maresca

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

4-1-12, 12



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

238 Agenda -
9/2/77

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-27
(Number)

9/1/77
(Date)

I. Applicant information:

- (a) DIPLOMAT MOTOR LODGE, INC.
(Name, address and phone of Applicant)
- (b) NONE
(Name, address and phone of purchaser or lessee)
- (c) STEPHEN P. DUGGAN, III. *
(Name, address and phone of attorney)
- (d) NONE
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☒ Sign variance
- ☐ Special permit

* 325 HUDSON STREET
CORNWALL-ON-HUDSON,
N.Y. 12520

III. Property information:

- (a) OLI 845 UNION AVE. 4 1 12.12 9.8 ACRES
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1968
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? NO. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed?

27-27
(Number)

9/1/77
(Date)

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- (a) DIPLOMAT MOTOR LODGE, INC.
(Name, address and phone of Applicant)
- (b) NONE
(Name, address and phone of purchaser or lessee)
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- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1968
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? NO. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. NO



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

☒ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-21K-7, Table -, Column -.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>160</u>	<u>310 ft.</u>	<u>150 ft.</u>
Sign 2	<u></u>	<u>40 ft.</u>	<u>40 ft.</u>
Sign 3	<u></u>	<u></u>	<u></u>
Sign 4	<u></u>	<u></u>	<u></u>
Sign 5	<u></u>	<u></u>	<u></u>
Total	<u>160 sq.ft.</u>	<u>350 sq.ft.</u>	<u>190 sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Sign requirements for motels are 160 ft. as set forth in
Section 48-21 K-7 - Supplemental Use Regulations. Applicant
seeks to use one 310 ft. sign (155 ft. per face) which already
exists (see photo) from previous motel. That sign would be
free standing *

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Total sign area would be 350 sq. ft.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-21K-7, Table -, Column -.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>160</u>	<u>310 ft.</u>	<u>150 ft.</u>
Sign 2	<u></u>	<u>40 ft.</u>	<u>40 ft.</u>
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Sign 4	<u></u>	<u></u>	<u></u>
Sign 5	<u></u>	<u></u>	<u></u>
Total	<u>160</u> sq.ft.	<u>350</u> sq.ft.	<u>190</u> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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Section 48-21 K-7 - Supplemental Use Regulations. Applicant
seeks to use one 310 ft. sign (155 ft. per face) which already
exists (see photo) from previous motel. That sign would be
free standing *

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Total sign area would be 350 sq. ft.

* Approximately 75 ft. off Union Avenue.
The second sign would be mounted on face of motel, would be one sided, and would be 4 x 10 ft. for a total of 40 ft.

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

① THE LARGER SIGN IS VERY EXPENSIVE AND ALREADY EXISTS. IT WAS USED ON A PREVIOUS MOTEL WHICH WAS TAKEN BY EMINENT DOMAIN TO MAKE WAY FOR I-84.

② THE SMALLER SIGN WILL PROVIDE THE NAME IDENTIFICATION OF THE BUILDING ITSELF.

☐ IX. Attachments required:

- ____ Copy of letter of referral from Building and Zoning Inspector.
- ____ Copy of contract of sale, lease or franchise agreement.
- ____ Copy of tax map showing adjacent properties
- ____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ____ Copy(ies) of sign(s) with dimensions.
- ____ Check in amount of \$ _____ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping

- (b) Describe in detail the use and structures proposed for the special permit.

☒ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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- ___ Copy(ies) of sign(s) with dimensions.
- ___ Check in amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

X. AFFIDAVIT.

Date

8/30/77

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

DIPLOMAT MOTOR LODGE, INC.

BY: Thomas J. Brown (Applicant)

Sworn to before me this

30th day of AUGUST, 1977.

PHILIP A. CROTTY, JR.
NOTARY PUBLIC, STATE OF N. Y.
ORANGE COUNTY
MY COMMISSION EXPIRES MAR. 30, 1978

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

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BY: *Thomas J. Seor*
(Applicant)

Sworn to before me this
30th day of *AUGUST*, 197*8*.

PHILIP A. CROTTY, JR.
NOTARY PUBLIC, STATE OF N. Y.
ORANGE COUNTY
MY COMMISSION EXPIRES MAR. 30, 19*78*

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- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.



COUNTY OF ORANGE

SEP 21 1977

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

September 19, 1977

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
% P. Razansky, Secretary
Town Hall
555 Union Avenue
New Windsor, New York 12550

Re: Sign Variance - Diplomat Motor Lodge
County Road 69

Dear Mr. Jargstorf:

We have received the above application, in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination by your Board.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG:mj
Enclosure

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y.
October 3, 1977

Andrew S. Krieger, Esq.
Duggan, Crotty & Lucia
325 Hudson Street
Cornwall, N. Y. 12520

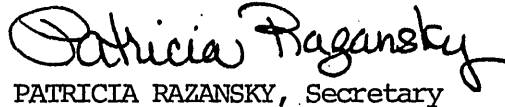
RE: APPLICATION FOR SIGN VARIANCE BEFORE ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR #77-27 - DIPLOMAT MOTOR LODGE, INC.

Dear Mr. Krieger:

This is to confirm that the above application for sign variance of
DIPLOMAT MOTOR LODGE, INC. was granted at the September 26, 1977
meeting of the Zoning Board of Appeals.

Formal decision is now being drafted by the Board attorney and will
be acted upon at an upcoming meeting of the ZBA.

Very truly yours,


PATRICIA RAZANSKY, Secretary

/pr

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor

Hank Van Leeuwen, Chairman
New Windsor Town Planning Board



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

September 16, 1977

Diplomat Motor Lodge
899 Union Avenue
New Windsor, N.Y. 12550


RE: 4-1-12.12

Gentlemen:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Ruthberg, Harold & Arline
16 Hilltop Lane
Monsey, New York 10952 ✓


Balmville Estates Inc.
P.O. Box 4053
New Windsor, N.Y. 12550 ✓

Gucciardo, Leo & Beatrice M.
26 Liner Road
Newburgh, New York 12550 ✓

County Of Orange
County Garage
124 Main Street
Goshen, New York 10924 ✓

The City of Newburgh
Washington Lake
City Hall
Newburgh, New York 12550 ✓

Respectfully submitted


ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

SEP 26 1977

SEP 16 1977

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 27

Request of DIPLOMAT MOTOR LODGE, INC.

for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
one free-standing double-faced sign and one building sign

being a Variance ~~Special Use Permit~~ of
Section 48-21 K-7 - Supplemental Use Regulations,
for property situated at: 845 Union Avenue,
Town of New Windsor, N. Y.

SAID HEARING will take place on the 26th day of September, 19 77,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8 o'clock P. M.

THEODORE JARGSTOREFF,
Chairman

Dear Sir
WE will not be home on the 26th of Sept. to attend
meeting. WE have no objection to the above mentioned
220 K. of map
Pucciardo *Beatrice M. Pucciardo*

555 Union Avenue
New Windsor, N. Y. 12550
September 20, 1977

Mr. Hank Van Leeuwen, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: PUBLIC HEARING BEFORE THE ZONING BOARD OF APPEALS
DIPLOMAT MOTOR LODGE, INC. - SIGN VARIANCE

Dear Hank:

Kindly be advised that the above application of DIPLOMAT MOTOR LODGE, INC. will be heard before the Zoning Board of Appeals on Monday evening, September 26, 1977 at 8 p.m.

I have enclosed for your information copy of the application and public hearing notice which appeared in The Evening News on September 17, 1977.

Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector
Town of New Windsor

equipment to be utilized and shall further indicate the anticipated characteristics of the light manufacturing process in the framework of measurements provided by § 48-17.

All uses, processing and storage shall be within fully enclosed structures, and no tanks, cupolas, vents or other apparatus peculiar to the processing shall be visible outside the approved buildings. The facade of buildings and structures in light manufacturing uses shall be compatible with adjacent development and shall be fully landscaped. The landscaping standards of § 48-20 shall be increased fifty percent (50%) on all sites in light manufacturing uses.

No building in light manufacturing uses shall exceed thirty thousand (30,000) square feet of floor space.

Light manufacturing uses located in the FP-2 Zoning District shall be so designed as not to obstruct or lessen the flood capacity of any stream flowing through such floodplain.

and motor lodges. Hotels and motor lodges may be used as provided in § 48-9 subject to the following conditions:

Hotel and motor lodge units shall not contain kitchen facilities of any nature and shall not be used as apartments for nontransient tenants.

Hotel and motor lodge units shall not contain more than two (2) rooms and shall not be connected by exterior doors in groups of more than two (2).

An accommodation unit shall not be occupied by more than three (3) adults at any one (1) time.

There shall be no more than one (1) hotel or motor lodge unit for each two thousand four hundred (2,400) square feet of site area.

- (5) Each hotel or motor lodge room shall have an area of at least two hundred forty (240) square feet, and a hotel or motor lodge unit including bath and closet facilities shall be not less than three hundred (300) square feet. Each hotel or motor lodge unit shall have a bath facility with shower or bath, one (1) toilet facility and sink.
- (6) The following accessory uses shall be permitted:
 - (a) One (1) house or apartment, with or without kitchen facilities, for the use of the hotel or motor lodge manager or caretaker and his family.
 - (b) One (1) restaurant and/or coffee shop or cafeteria providing food and drink.
 - (c) Amusements and sports facilities for the exclusive use of hotel guests, including:
 - [1] Swimming pool.
 - [2] Children's playground.
 - [3] Tennis and other game courts.
 - [4] Game or recreation rooms.
 - (d) Office and lobby, the provision of which shall be mandatory for each hotel or motor lodge.
 - (e) Meeting and/or conference rooms.
- (7) No more than two (2) signs shall be permitted on the site, the total area of which shall not exceed one hundred sixty (160) square feet.
- (8) The landscaping requirements of § 48-20 shall be increased by fifty percent (50%) for all motor lodge developments.
- (9) The exterior treatment, including colors, textures and materials, of all structures within a hotel or motor lodge development shall be muted and blended into the surrounding landscape or adjacent land uses. Lighting throughout the area shall not exceed one and